



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/789,413	02/27/2004	Sandra E. Ring	2038

24264  
 TIMOTHY J MARTIN, PC  
 9250 W 5TH AVENUE  
 SUITE 200  
 LAKEWOOD, CO 80226



CONFIRMATION NO. 5254

## FORMALITIES LETTER



\*OC000000013789921\*

Date Mailed: 09/13/2004

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

## Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 08/23/2004 to the Notice to File Missing Parts (Notice) mailed 05/19/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$86 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$86 for a Large Entity

- Total additional claim fee(s) for this application is \$86
  - \$86 for 3 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450

09/24/2004 YPOLITE1 00000007 10789413

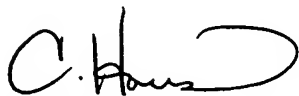
01 FC:1201

86.00 DP

Alexandria VA 22313-1450

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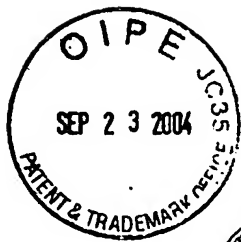
*A copy of this notice MUST be returned with the reply.*

A handwritten signature in black ink, appearing to read "C. Haus", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1459  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/789,413	02/27/2004	Sandra E. Ring	2038

24264  
TIMOTHY J MARTIN, PC  
9250 W 5TH AVENUE  
SUITE 200  
LAKEWOOD, CO 80226

CONFIRMATION NO. 5254

## FORMALITIES LETTER



\*OC000000012706067\*

Date Mailed: 05/19/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$190 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1090 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.


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- Total additional claim fee(s) for this application is \$190
  - \$172 for 2 independent claims over 3.
  - \$18 for 1 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sandra E. Ring et al.  
Appl. No.: 10/789,413  
Filed: February 27, 2004  
Docket No.: 2038  
Conf. No.: 5254  
Title: **METHODOLOGY, SYSTEM, AND COMPUTER READABLE  
MEDIUM FOR DETECTING OPERATING SYSTEM  
EXPLOITATIONS**

Art Unit: 2184  
Examiner:

Action: **RESPONSE TO NOTICE OF INCOMPLETE REPLY**  
Date: September 20, 2004

TO: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

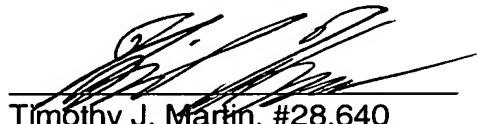
Pursuant to the Notice of Incomplete Reply dated September 13, 2004 enclosed is check no. 18509 in the amount of \$86.00 for the extra claim fee for completion of this application. Applicant believes that the submission of August 17, 2004 of the Notice to File Missing Parts of Application was fully responsive and complete. The initial notice indicated that the fees to be submitted were as follows: \$770.00 basic filing fee, \$130.00 surcharge fee, \$172.00 for 2 independent claims over 3 and \$18.00 for 1 total claim over 20. A check for the total amount initially requested of \$1,090.00 was submitted with Applicant's earlier response. Moreover, Applicant's earlier response was accompanied by an authorization to charge the Deposit Account for any payment deficiencies. Therefore, Applicant believes that the previously submitted response to Notice to File Missing Parts was fully responsive and Applicant should not be required

to file a two-month extension of time to reply to the recent Notice of Incomplete Reply.

Thus, no additional fees are believed to be payable upon this response. However, if the Office disagrees, the Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 13-1940. If any issues remain to be resolved, it is respectfully requested that the Examiner contact the undersigned attorney for the Applicant at the number listed below.

Respectfully Submitted,

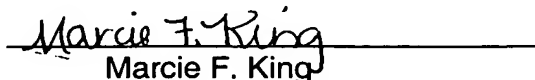
**TIMOTHY J. MARTIN, P.C.**



Timothy J. Martin, #28,640  
Michael R. Henson, #39,222  
Rebecca A. Gegick, #51,724  
9250 W. 5th Avenue, Suite 200  
Lakewood, Colorado 80226  
(303) 232-3388

**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that the foregoing **RESPONSE TO NOTICE OF INCOMPLETE REPLY (2 PAGES), COPY OF NOTICE OF INCOMPLETE REPLY (2 PAGES), COPY OF RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION 6 PAGES) AND CHECK NO. 18509 IN THE AMOUNT OF \$86.00** is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20<sup>th</sup> day of September, 2004.



Marcie F. King



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sandra E. Ring et al.  
Appl. No.: 10/789,413  
Filed: February 27, 2004  
Docket No.: 2038  
Conf. No.: 5254  
Title: **METHODOLOGY, SYSTEM, AND COMPUTER READABLE  
MEDIUM FOR DETECTING OPERATING SYSTEM  
EXPLOITATIONS**  
Art Unit: 2184  
Examiner:  
Action: **TRANSMITTAL OF SURCHARGE AND FILING FEE**  
Date: August 17, 2004

To: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


Sir:

Pursuant to the Notice to File Missing Parts of Application dated May 19, 2004 enclosed is our check no. 18451 in the amount of \$1,090.00 which includes the surcharge fee of \$130.00, extra claim fee of \$190.00 and filing fee \$770.00 for completion of this application and a copy of the Notice to File Missing Parts of Application as required by the Notice. Filed concurrently herewith is a request for a one-month extension of time.

If you have any questions concerning this matter, please do not hesitate to contact the undersigned attorney at the number listed below.

Respectfully submitted,

**TIMOTHY J. MARTIN, P.C.**

By:   
Timothy J. Martin, #28,640  
Michael R. Henson, #39,222  
Rebecca A. Gegick, #51,724  
9250 W. 5th Avenue, Suite 200  
Lakewood, Colorado 80226  
(303) 232-3388

**BEST AVAILABLE COPY**



**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that the foregoing **TRANSMITTAL OF SURCHARGE AND FILING FEE (2 pages), CHECK NO. 18451 IN THE AMOUNT OF \$1,090.00, INCLUDING COPY OF NOTICE TO FILE MISSING PARTS OF APPLICATION (2 pages)** is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 19th day of August, 2004.

Marcie F. King  
Marcie F. King

**BEST AVAILABLE COPY**